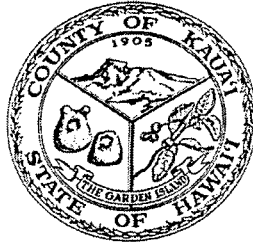


**COUNTY COUNCIL**

Jay Furfaro, Chair  
Mason K. Chock, Sr., Vice Chair  
Tim Bynum  
Gary L. Hooser  
Ross Kagawa  
Mel Rapozo  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

Ricky Watanabe, County Clerk  
Jade K. Fountain-Tanigawa, Deputy County Clerk


Telephone (808) 241-4188  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kaua'i, Hawai'i 96766

**MEMORANDUM**

May 29, 2014

**TO:** Bernard P. Carvalho, Jr., Mayor

**FROM:** Jay Furfaro, Council Chair 

**RE:** **MAY 28, 2014 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its May 28, 2014 Council Meeting:

**CONSENT CALENDAR:**

C 2014-134 Communication (05/07/2014) from the Mayor, submitting his supplemental budget communication for Fiscal Year 2014-2015 and proposed amendments to the budget bills, pursuant to Section 19.02A of the Kaua'i County Charter. *(Received for the Record.)*

C 2014-158 Communication (05/02/2014) from the Director of Finance, transmitting for Council information, the Period 9 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of March 31, 2014, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014. *(Copies of the Period 9 Financial Reports as of March 31, 2014 on file in the County Clerk's Office.) (Received for the Record.)*

C 2014-159 Communication (05/09/2014) from the County Engineer, transmitting for Council information, the following monthly Building Permit Reports for the months of January, February, March, and April 2014:

- (1) Permit Processing Report – Information on quantity and value of incoming applications, value of permits issued, and status of revolving Fund;
- (2) Building Permit Value Summary – Graph of monthly Building Permit values;

- (3) Building Permit Tracking Report – Summary of processing times overall and by Agency for all permits issued during the reporting period; and
- (4) Building Permits Status: All current open applications – Summary review times overall and by Agency for all Building outstanding permit applications. *(Copies on file in the County Clerk's Office.)*

***(Received for the Record.)***

C 2014-161 Communication (05/16/2014) from Councilmember Bynum, transmitting for Council consideration, a proposed Bill for an Ordinance to amend Chapter 5A of the Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to include "Agronomics" as an additional Real Property Tax Rate Classification, to amend the definition of "agricultural use," and to require the Director of Finance to submit annual reports involving all agricultural dedicated properties to the Mayor and the County Council. ***(Received for the Record.)***

C 2014-162 Communication (05/19/2014) from Councilmember Yukimura, transmitting for Council consideration, a Resolution amending Resolution No. 2014-57, Draft 1, to amend the deadline for the Affordable Housing Advisory Committee to file its report with the Council, which is currently due on May 30, 2014. ***(Received for the Record.)***

#### COMMUNICATIONS:

C 2014-160 Communication (05/16/2014) from Council Vice Chair Chock, transmitting for Council consideration, a Resolution encouraging the use of Alternative Dispute Resolution (ADR) methods for conflict prevention in the County of Kaua'i, to increase awareness of the various ADR processes and to encourage our County to resolve disputes in an impartial and peaceful manner. ***(Received for the Record.)***

C 2014-163 Communication (05/21/2014) from Councilmember Hooser and Councilmember Rapozo, transmitting for Council consideration, a Resolution Expressing No Confidence In And Requesting The Resignation Of The County Attorney. ***(Received for the Record.)***

C 2014-164 Communication (05/22/2014) from the County Clerk, transmitting a 2014 Charter amendment petition relating to "A New Article XXXIII to Protect From Hazards of GMO Agriculture, Toxins and Testing, Establish an Administrator of Environmental Health, and Provide for Enforcement" submitted by petitioners' committee "Kaua'i Rising" pursuant to Section 24.01(B) of the Kaua'i County Charter. ***(Received for the Record.)***

C 2014-125 Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 to retain Special Counsel to advise the Council concerning coverage under the County's insurance policy with Everest National Insurance Company, in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters. ***(Deferred.)***

C 2014-152 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$50,000 for Special Counsel's continued services to represent Henry Barriga and Sherwin Perez in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. CV13-00202 DKW-BMK (U.S. District Court), and related matters. ***(Approved as amended to expend funds up to \$15,000.)***

C 2014-165 Communication (05/07/2014) from the Executive on Transportation, requesting Council approval to accept a donation of four (4) full-size transit buses from the City and County of Honolulu, Department of Transportation Services, and the donation of free shipment for two (2) buses by Young Brothers, which will be used to address growth in demand resulting in the overcrowding on several bus routes. ***(Approved with thank-you letter to follow.)***

C 2014-166 Communication (05/07/2014) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the amount of \$37,217, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the term commencing July 1, 2014 for the Kaua'i Victim Witness Assistance Program. ***(Approved.)***

C 2014-167 Communication (05/07/2014) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$199,504, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the term commencing August 1, 2014, for the Kaua'i Victim of Crime Act (VOCA) Expansion Project. ***(Approved.)***

C 2014-168 Communication (05/16/2014) from the Hawai'i State Association of Counties (HSAC) President Mel Rapozo, transmitting for Council approval the slate of officers for the HSAC Executive Committee and Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the 2014-2015 term, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc. ***(Approved.)***

#### LEGAL DOCUMENT:

C 2014-169 Communication (05/19/2014) from the County Engineer, recommending Council approval to secure a Construction Right-of-Entry and Governor's Executive Order for a portion of the Lihu'e State Building parcel, for the purpose of providing additional parking and sidewalk modifications along Hardy Street, Lihu'e, which includes indemnification of the State of Hawai'i, Department of Land and Natural Resources, situated at Tax Map Key (TMK) No: (4) 3-6-005:011.

- Right-of Entry Agreement  
***(Approved.)***

#### CLAIM:

C 2014-170 Communication (05/14/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Sheilah Miyake, c/o Peter W. Olsen, esq., for reimbursement of legal fees and expenses, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

**COMMITTEE REPORTS: APPROVED.**

**RESOLUTIONS:**

Resolution No. 2014-11, Draft 1 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015 FOR THE COUNTY OF KAUAI ***(Approved.)***

Resolution No. 2014-22 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE CODE OF ETHICS ***(Deferred.)***

Resolution No. 2014-33 – RESOLUTION ENCOURAGING THE ROLE OF ALTERNATIVE DISPUTE RESOLUTION METHODS FOR CONFLICT PREVENTION IN THE COUNTY OF KAUAI ***(Approved.)***

Resolution No. 2014-34 – RESOLUTION AMENDING RESOLUTION NO. 2013-57, DRAFT 1, ESTABLISHING AN AFFORDABLE HOUSING ADVISORY COMMITTEE ***(Approved.)***

Resolution No. 2014-35 – RESOLUTION EXPRESSING NO CONFIDENCE IN AND REQUESTING THE RESIGNATION OF THE COUNTY ATTORNEY ***(Motion to Approve failed.)***

**BILL FOR FIRST READING:**

Proposed Draft Bill (No. 2546) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES ***(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 06/10/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)***

**BILLS FOR SECOND READING:**

Bill No. 2537, Draft 1 – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015 ***(Mayor's Operating Budget) (Approved.)***

Bill No. 2538, Draft 1 – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015 ***(Mayor's CIP Budget) (Approved.)***

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads *(Via E-mail)*  
KCT CCs *(Via E-mail)*  
Council Services Staff *(Via E-mail)*